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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MARC WOLSTENHOLME,
Plaintiff,
v.
RIOT GAMES, INC.,
Defendant.

Case No. 2:25-cv-00053-FMO-BFM

Hon. Fernando M. Olguin

**DEFENDANT RIOT GAMES, INC.'S
REQUEST FOR JUDICIAL NOTICE
IN SUPPORT OF ITS OPPOSITION
TO PLAINTIFF MARC
WOLSTENHOLME'S MOTION FOR
LEAVE TO FILE A SECOND
AMENDED COMPLAINT**

Date: February 27, 2025
Time: 10:00 a.m.
Crtrm: 6D

[Opposition to Motion for Leave to File
Second Amended Complaint; Opposition
to Motion in Limine to Admit Evidence;
and Declaration of Aaron J. Moss in
Support of Request for Judicial Notice
Filed Concurrently Herewith]

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REQUEST FOR JUDICIAL NOTICE

I. INTRODUCTION

Defendant Riot Games, Inc. (“Riot”) files this Request for Judicial Notice pursuant to [Federal Rule of Evidence 201](#) in support of its Opposition to Plaintiff Marc Wolstenholme’s (“Wolstenholme”) Motion for Leave to File a Second Amended Complaint (“SAC”). Dkt. 28.

In his proposed SAC, Wolstenholme claims that Riot’s television series *Arcane* infringes his copyright to “Bloodborg: The Harvest,” created between 2018-2019. Dkt. 27 at 4. He further alleges that he “added a copyright registration case number, and other evidence of Ownership of a valid copyright to this motion [for leave to amend].” Dkt. 27 at 16. Riot requests that the Court take judicial notice of the fact that the Copyright Office has *not* in fact granted a copyright registration to Wolstenholme for “Bloodborg” (or any other work).

The Court may properly take judicial notice of the fact that the U.S. Copyright Office has not granted a copyright registration to Wolstenholme for “Bloodborg” because this fact can be accurately and readily determined from the Copyright Office’s official records, copies of which are attached hereto as Exhibits A and B. The Court should therefore consider the exhibits submitted herewith in ruling on Wolstenholme’s Motion for Leave to Amend.

II. LEGAL STANDARD

A matter is judicially noticeable when it is “not subject to reasonable dispute” because it “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” [Fed. R. Evid. 201\(b\)\(2\)](#). A court “must take judicial notice if a party requests it and the court is supplied with the necessary information.” *Id.* 201(c)(2). “The court may take judicial notice at any stage of the proceeding.” *Id.* 201(d).

1 **III. JUDICIAL NOTICE IS PROPER OF THE FACT THAT THE U.S.**
2 **COPYRIGHT OFFICE HAS NOT GRANTED PLAINTIFF A**
3 **REGISTRATION FOR “BLOODBORG”**

4 The Court may properly take judicial notice of the fact that the U.S.
5 Copyright Office has not granted any copyright registration to Wolstenholme for
6 “Bloodborg.” Whether or not the Copyright Office has granted a copyright
7 registration to a person for a particular work is a fact that is properly the subject of
8 judicial notice because it a matter of public record. *See MGIC Indem. Corp. v.*
9 *Weisman*, 803 F.2d 500, 504 (9th Cir. 1986) (a court may take judicial notice of
10 documents that are matters of public record). The existence or non-existence of a
11 copyright registration can be accurately and readily determined from the Copyright
12 Office’s records, whose accuracy cannot reasonably be questioned. Accordingly,
13 courts have taken judicial notice of the fact that a copyright registration has or has
14 not been granted based on the Copyright Office’s records, including the searches
15 and printouts of the Copyright Office’s Public Records Catalog online. *See, e.g.,*
16 *Elohim EPF USA, Inc. v. Total Music Connection, Inc.*, 2015 WL 12655556, at *8
17 (C.D. Cal. Oct. 1, 2015) (printout from Copyright Office website judicially
18 noticeable); *Ricketts v. Haah*, 2013 WL 3242947, at *2 (C.D. Cal. June 26, 2013)
19 (on motion to dismiss, taking judicial notice that “according to the Copyright Office
20 database, Plaintiffs have not registered any copyrights”); *ATPAC, Inc. v. Aptitude*
21 *Sols., Inc.*, 2010 WL 1779901, at *3 (E.D. Cal. Apr. 29, 2010) (taking judicial
22 notice of printout from the Copyright Office’s website “because the record is
23 generated by an official government website such that its accuracy is not reasonably
24 in dispute.”).

25 In his proposed SAC, Wolstenholme erroneously asserts that he “added a
26 copyright registration case number, and other evidence of Ownership of a valid
27 copyright to this motion [for leave to amend].” Dkt. 27 at 16. The Court may take
28 judicial notice of the fact that the Copyright Office has not granted copyright

1 registrations to Wolstenholme for “Bloodborg.”

2 This can be accurately and readily determined from the Copyright Office’s
3 records, specifically:

- 4 • **Exhibit A** is a true and correct copy of printouts from the Copyright Office’s
5 Public Records Catalog online showing the results of a search query
6 conducted on January 31, 2025, for any work registered with the Copyright
7 Office containing “bloodborg” anywhere in the “Title” field. *See* Declaration
8 of Aaron J. Moss (“Moss Decl.”), ¶ 3. These records establish that the
9 Copyright Office has not granted a copyright registration for any work
10 containing “bloodborg” in the title.
- 11 • **Exhibit B** is a true and correct copy of printouts from the Copyright Office’s
12 Public Records Catalog online showing the results of a search query
13 conducted on January 31, 2025, for any work registered with the Copyright
14 Office containing “wolstenholme marc” anywhere in the “Name” field. *See*
15 Moss Decl., ¶ 4. These records establish that the Copyright Office has not
16 granted any copyright registrations to Wolstenholme.

17 The Court should take judicial notice of the fact that the Copyright Office has
18 not granted copyright registrations to Wolstenholme for “Bloodborg” (or for any
19 other work). As set forth in Riot’s Opposition to Wolstenholme’s Motion for
20 Leave, Wolstenholme cannot state a claim for copyright infringement without a
21 registered copyright, and his proposed SAC does not, and indeed cannot, cure the
22 defects in his FAC. Thus, the Court should deny Wolstenholme’s leave to amend.

23
24 DATED: February 5, 2025

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25
26 By: /s/ Aaron J. Moss
27 AARON J. MOSS (SBN 190625)
28 JOSHUA M. GELLER (SBN 295412)
Attorneys for Defendant
Riot Games, Inc.

CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for Defendant Riot Games, Inc., certifies that this Memorandum of Points and Authorities contains 838 words in compliance with the word limit of Local Rule 11-6.1.

DATED: February 5, 2025

GREENBERG GLUSKER FIELDS
CLAMAN & MACHTINGER LLP

By: /s/ Aaron J. Moss

AARON J. MOSS (SBN 190625)
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Exhibit A

Copyright

United States Copyright Office

Try the [Copyright Public Records System \(CPRS\)](#) pilot with enhanced search features and filters.

Help

Search

History

Titles

Start Over

Public Catalog

Copyright Catalog (1978 to present) at DC4

Your search found no results. Refer to search examples, check spelling or try another search type.

Basic Search**[Other Search Options](#)****Search for:**

bloodborg

Search by:

Title (omit initial article A, An, The, El, La, Das etc.)
Name (Crichton Michael; Walt Disney Company)
Keyword
Registration Number (for VAu 598-675 type vau000598675)
Document Number (for V2606 P87 type v2606p087)
Command Keyword

Scroll down for
Search Hints

25 records per page ▾

Begin Search

Clear Search

Set Search Limits

Search Hints

- Works registered prior to 1978 may be found only in the [Copyright Public Records Reading Room](#).
- Can't find what you're looking for? Try our "Other Search Options".
- Search terms are not case sensitive.
- Search limits can be used with all "Search by:" options.

Search Type	Hint
Title	<ul style="list-style-type: none">- Omit initial articles (A, An, The, El, La, Das): King and I- Type the entire title, or the first few words of the title, starting with the first word
Name	<ul style="list-style-type: none">- For personal names, type last name first name: Hillerman Tony- For corporate names, type in order: Sony Music Entertainment; Walt Disney Company <p>For Claimant names, go to Other Search Options and select "Name: Claimant (KLCN)" from the <i>Search by</i> box. For personal names, type first name last name: James Michener. For corporate names, type in order: Metro Goldwyn Mayer</p> <p>For Document names, go to Other Search Options and select either "Docs: Party1 Statement (K291)" or "Docs: Party2 (K292)", or "Docs Party1/2 (KPTY)" from the <i>Search by</i> box. For personal names, type first name last name: Stephen King. For corporate names, type in order: Warner Brother Pictures</p>
Keyword	<ul style="list-style-type: none">- Searches word(s) anywhere in the record- Retrieves records with at least one of your search words- Use + before words that must appear in every record retrieved- Use ! before words that must not appear in any record retrieved

	<ul style="list-style-type: none">- Use ? for truncation: photo? finds photograph, photographic, photographer- Use "" to surround exact phrases: "war of the worlds"
Registration Number	<ul style="list-style-type: none">- Omit spaces and hyphens- Registration numbers must be 12 characters long. Type 2 letters followed by 10 digits, or 3 letters followed by 9 digits; add zeroes before the number: VAu-598-764 is typed VAU000598764, SR-320-918 is typed SR0000320918
Document Number	<ul style="list-style-type: none">- Omit spaces and hyphens- The number after the "v" is always 4 digits; the number after the "p" or "d" is always 3 digits- V2606 P87 is typed V2606P087
Command Keyword	<ul style="list-style-type: none">- Use index codes and Boolean operators- Use ? for truncation: photo? finds photograph, photographic, photographer- Use "" to surround exact phrases: "war of the worlds"

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Exhibit B

Try the [Copyright Public Records System \(CPRS\)](#) pilot with enhanced search features and filters.

Help

Search

History

Titles

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Public Catalog

Copyright Catalog (1978 to present) at DC4

Your search found no results. Refer to search examples, check spelling or try another search type.

Basic Search

[Other Search Options](#)

Search for:

wolstenholme marc

Search by:

Title (omit initial article A, An, The, El, La, Das etc.)
Name (Crichton Michael; Walt Disney Company)
Keyword
Registration Number (for VAu 598-675 type vau000598675)
Document Number (for V2606 P87 type v2606p087)
Command Keyword

Scroll down for
Search Hints

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Begin Search

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Search Hints

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- Can't find what you're looking for? Try our "Other Search Options".
- Search terms are not case sensitive.
- Search limits can be used with all "Search by:" options.

Search Type	Hint
Title	<ul style="list-style-type: none"> - Omit initial articles (A, An, The, El, La, Das): King and I - Type the entire title, or the first few words of the title, starting with the first word
Name	<ul style="list-style-type: none"> - For personal names, type last name first name: Hillerman Tony - For corporate names, type in order: Sony Music Entertainment; Walt Disney Company <p>For Claimant names, go to Other Search Options and select "Name: Claimant (KLCN)" from the <i>Search by</i> box. For personal names, type first name last name: James Michener. For corporate names, type in order: Metro Goldwyn Mayer</p> <p>For Document names, go to Other Search Options and select either "Docs: Party1 Statement (K291)" or "Docs: Party2 (K292)", or "Docs Party1/2 (KPTY)" from the <i>Search by</i> box. For personal names, type first name last name: Stephen King. For corporate names, type in order: Warner Brother Pictures</p>
Keyword	<ul style="list-style-type: none"> - Searches word(s) anywhere in the record - Retrieves records with at least one of your search words - Use + before words that must appear in every record retrieved - Use ! before words that must not appear in any record retrieved

	<ul style="list-style-type: none">- Use ? for truncation: photo? finds photograph, photographic, photographer- Use "" to surround exact phrases: "war of the worlds"
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